

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-9 are pending and stand rejected. Claims 1, 2, 4, 5, 7, 8 and 9 have been amended.

Claims 1, 2, 4, 5 and 7-9 stand rejected under 35 USC §102(e) as being anticipated by Gu (USP No. 6,075,875).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claim. However, in the interest of advancing the prosecution of this matter, independent claims 1, 4, 7 and 9 have been amended to more clearly state the invention. More specifically, the claims have been amended to recite that a pixel in a first image is selected if it is not occluded by a pixel in the second image and the matching error excludes errors determined from pixels that are occluded. No new matter has been entered. Support for the amendment may be found in Figure 1 and on at least page 6, line 30-page 7, line 23 of the instant application.

In contrast, Gu teaches excluding pixels that are not within the image shape and then computes an error based on all the remaining pixels independent of whether the pixels in one pixel block are occluded by the pixels of another pixel block. (see Fig. 7A, 7B and col. 15, lines 1-55). Thus, Gu fails to teach or disclose that a process of selecting a pixel based on whether the pixel is occluded and occluded pixels are not included in the calculation, as recited in the claims.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Gu cannot be said to anticipate the present invention, because Gu fails to disclose each and every element recited. As shown, Gu fails to disclose excluding pixels from the calculation that are occluded.

Accordingly, applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claim 4, 7 and 9, these claims were rejected citing the same reference used in rejecting claim 1. Thus, the applicant's remarks made in response to the

rejection of claim 1 are also applicable in response to the rejection of claim 4, 7 and 9. In view of the amendment made to the claims, which is similar to that made with regard to claim 1, and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of claim 4, 7 and 9, applicant submits that the reason for rejecting this claim has been overcome and the rejection can no longer be sustained. Applicant, accordingly, respectfully requests withdrawal of the rejection and allowance of the claims.

The other claims in this application are dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. As each dependent claim is also deemed to define an additional aspect of the invention, the individual consideration of the patentability of each on its own merits is respectfully requested

Although the last Office Action was made final, this amendment should be entered. Claims 1, 2, 4, 5, 7, 8 and 9 have each been amended to more clearly state the invention and for the purpose of assisting the examiner to better understand the invention being claimed. Since only explanatory functional language have been added, no matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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